

SEMINOLE COUNTY CHARTER

***Note:** The Home Rule Charter incorporates changes to the 1989 Charter approved at the General Elections held in November, 1994 and November, 1996.

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PREAMBLE

The citizens of Seminole County, Florida, believing that governmental decisions affecting local interests should be made locally rather than by the State, and, in order to bring to the County the full home rule benefits afforded by the Constitution of the State of Florida to charter counties, do ordain and establish this Home Rule Charter for Seminole County, Florida.

ARTICLE I. CREATION, POWERS AND ORDINANCES OF HOME RULE CHARTER GOVERNMENT

Section 1.1. Creation and General Powers of Home Rule Charter Government.

Seminole County shall be a home rule charter county, and, except as may be limited by this Home Rule Charter, shall have all county and municipal powers of self-government granted now or in the future by the Constitution and laws of the State of Florida.

Section 1.2. Body Corporate, Name and Boundaries.

Seminole County shall be a body corporate and politic. The corporate name shall be Seminole County. The county seat and boundaries shall be those presently designated by law.

Section 1.3. Relation to State Law.

The provisions of this Home Rule Charter are not intended, and shall not be construed, to conflict with the constitution of the State of Florida, general law, or special law approved by vote of the electorate.

Section 1.4. Relation to Municipal Ordinances.

Except as otherwise provided by this Charter, municipal ordinances shall prevail over County ordinances to the extent of any conflict.
(Ord. No. 2004-36, § 2, Election of 11-2-04/eff. 9-10-04)

ARTICLE II. ORGANIZATION OF COUNTY GOVERNMENT

Section 2.1. Elected Commission and Appointed County Manager Form of Government.

Seminole County shall operate under an elected County Commission and appointed County Manager form of government with separation of legislative and executive functions in accordance with the provisions of this Home Rule Charter. The legislative responsibilities and powers of the County shall be assigned to, and vested in, the Board of County Commissioners. The executive responsibilities and power of the County shall be assigned to and vested in the County Manager, who shall carry out the directives and policies of the Board of County Commissioners and enforce all orders, resolutions, ordinances, and regulations of the Board, the County Charter, and all applicable general law, to assure that they are faithfully executed. Prosecution and defense of legal causes in behalf of the County and legal services to the Board of County Commissioners and administrative staff shall be the responsibility of the Office of County Attorney. (Amended at General Election, 11-8-94).

Section 2.2. Legislative Branch.

A. *The County Commission.* The governing body of the County shall be a Board of County Commissioners composed of five members serving staggered terms of four years. There shall be one Commissioner for each of the five County Commission districts established pursuant to general law and they shall be elected on a county-wide basis by the electors of the County. Each candidate for the office of County Commissioner shall reside within the district from which such candidate seeks election at the time of qualifying to run for that office*, and during the term of office each Commissioner shall reside in the district from which such Commissioner ran for office, provided that any Commissioner who is removed from a district by redistricting may continue to serve during the balance of the term of office.

*Residing within a district at the time of qualifying to run for office was held unconstitutional in *Goard, et al v. Doe, et al*, Case No. 91-1637-CA-16, 18th Judicial Circuit, April 8, 1992. But see *James v. Volusia County*, 683 So.2d 555 (Fla. 5th DCA 1996) in which the Fifth District Court of Appeals stated that "it might be a reasonable requirement that one who seeks to represent a district actually reside within that district for a period of time prior to qualifying so that he or she might be expected to know and understand the problems of that district." *Id.* at 556-7.

B. *Redistricting.* County Commission district boundaries shall be changed only after notice and a public hearing as provided by general law.

C. *Salaries and Other Compensation.* Salaries and other compensation of the County Commissioners shall be set by County ordinance and shall be the same as those set by general law for the county commissioners of noncharter counties.

D. *Authority.* The Board of County Commissioners shall exercise all legislative authority provided by this Home Rule Charter in addition to any other powers and duties

authorized by general law or special law. The County Commission shall as a prerequisite to any legislative action (by Ordinance or Resolution) that may have an economic cost to the public or taxpayers of Seminole County, perform an economic impact statement. This requirement may be waived by a majority plus one vote of the entire Board of County Commissioners. The application, interpretation or adjudication of any questions arising under this provision shall be the responsibility of the Board of County Commissioners, whose determination shall be final.

(Amended at General Election, 11-8-94).

E. *Administrative Code.* The Board of County Commissioners shall adopt an Administrative Code in accordance with general law within 12 months of the effective date of this Charter.

(1) The Administrative Code shall organize the administration of county government and set forth the duties and responsibilities and powers of all county officials and agencies.

(2) The Administrative Code shall not apply to the elected Constitutional Officers.

F. *Vacancies.* A vacancy in the office of County Commissioner shall be defined and filled as provided by general law.

G. *Recall.* The members of the Board of County Commissioners shall be subject to recall as provided by general law.

H. *Initiative.*

(1) The electors of Seminole County shall have the right to initiate County ordinances in order to establish new ordinances and to amend or repeal existing ordinances upon petition signed by a number of electors residing in at least three-fifths of the County Commission election districts and of the County as a whole equal to five percent of electors qualified to vote in the last preceding general election.

(2) The Sponsor of an initiative ordinance shall, prior to obtaining any signatures, submit the text of the proposed ordinance to the Supervisor of Elections, with the form on which signatures will be affixed, and shall obtain the approval of the Supervisor of Elections of such form. The style and requirements of such form shall be specified by ordinance. The beginning date of any petition drive shall commence upon the date of approval by the Supervisor of Elections of the form in which signatures will be affixed, and said drive shall terminate six months after that date. In the event sufficient signatures are not acquired during that six month period, the petition initiative shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition. The sponsor shall submit signed and dated forms to the Supervisor of Elections and upon submission shall pay all fees as required by general law. The Supervisor of Elections shall within 60 days verify the signatures thereon.

(3) Within 60 days after the requisite number of names have been verified by the Supervisor of Elections and reported to the Board of County Commissioners, the Board of County Commissioners shall notice and hold a public hearing on the proposed ordinance according to law and vote on it. If the Board fails to enact the proposed ordinance, it shall, by resolution, call a referendum on the question of the adoption of the proposed ordinance to be held at the next general election occurring at least 45 days after the adoption of such resolution. If the question of the adoption of the proposed ordinance is approved by a majority of those registered electors voting on the question, the proposed ordinance shall be declared by resolution of the Board of County Commissioners to be enacted and shall become effective on the date specified in the ordinance, or, if not so specified, on January 1 of the succeeding year. The Board of County Commissioners shall not amend or repeal an ordinance adopted by initiative for a period of one year after the effective date of such ordinance.

(4) The power to enact, amend or repeal an ordinance by initiative shall not include ordinances relating to administrative, or judicial functions of County government, including but not limited to, County budget, debt obligations, capital improvement programs, salaries of County officers and employees, the levy and collection of taxes, and the re-zoning of an individual parcel of land.

I. *Non-Interference.* Individual Commission members are prohibited from interfering with employees, officers, or agents under the direct or indirect supervision of the County Manager or the County Attorney. This provision shall not be interpreted to prevent commission members, who are accountable to the citizens of Seminole County, from making, in the performance of their duties, reasonable inquiries and requests for information from county employees, officers or agents. Neither the County Manager, the County Attorney nor any other county officer or employee shall interfere with rights of commission members hereunder. The application, interpretation or adjudication of any questions arising under this provision shall be the responsibility of the Board of County Commissioners, whose determination shall be final.

(Amended at General Election, 11-8-94).

Section 2.3. Executive Branch.

A. The County Manager.

(1) The County Manager shall be appointed and may be terminated with or without cause by a majority of the membership of the Board of County Commissioners. The County Manager shall be the chief executive officer of the County and all executive responsibilities and power shall be assigned to and vested in the County Manager, and shall consist of the following powers and duties:

(a) Report annually to the Board of County Commissioners and to the citizens on the state of the County, the work of the previous year, recommendations for action or programs for improvement of the County, and the welfare of its residents.

(b) Prepare and submit the annual budget and capital programs to the Board of County Commissioners and execute the budget and capital programs in accordance with appropriations and ordinances adopted by the Commission.

(c) Ensure that all ordinances, resolutions and orders of the Board of County Commissioners and all laws of the State which are subject to enforcement by the Manager, or by officers who are subject under this Charter to the Manager's direction and supervision, are faithfully executed.

(d) Carry into execution such other powers or duties, as are required by this Charter or may be prescribed by the Board of County Commissioners, including by way of enumeration, but not limitation, those powers and duties prescribed in Section 125.85, Florida Statutes (1987).

The County Manager shall exercise all executive authority provided by this Home Rule Charter in addition to all other powers and duties authorized by general or special law.

(2) The County Manager shall be qualified by administrative and executive experience and ability to serve as the chief executive of the County. Minimum qualifications for the County Manager shall be established by County ordinance. The County Manager need not be a resident of the County at the time of appointment, but during the tenure in office the County Manager shall reside within the County.

(3) The compensation of the County Manager shall be fixed by the Board of County Commissioners.

(4) The office of County Manager shall be deemed vacant if the incumbent moves his residence from the County or is, by death, illness, or other casualty, unable to continue in office. A vacancy in the office shall be filled in the same manner as the original appointment. The Board of County Commissioners may appoint an acting County

Manager in the case of vacancy, temporary absence or disability until a successor has been appointed and qualified or the County Manager returns.

B. County Department Heads.

(1) The County department heads shall be appointed by and shall be responsible to the County Manager. The Board of County Commissioners shall by majority vote confirm the appointment of department heads.

(2) The County Manager shall have the sole authority to suspend or terminate any department head with or without cause.

(Amended at General Election, 11-8-94).

Section 2.4. Office of County Attorney.*

***Note:** By majority vote of the electorate at the General Election held on November 8, 1994, a new section, Section 2.4, "Office of County Attorney," was adopted and former Section 2.3(c), "County Attorney," of the Seminole County Home Rule Charter was repealed.

The Office of County Attorney is hereby created to provide for the prosecution and defense of legal causes in behalf of the County and to provide legal services to the Board of County Commissioners, the County Manager, County departments and County boards and agencies as specified by County ordinance. The County Attorney shall be appointed and may be terminated with or without cause by a majority of the membership of the Board of County Commissioners. The County Attorney shall be a member in good standing of the Florida Bar and meet such other minimum qualifications that shall be established by County ordinance, however, residing within the County shall not be required. In addition to carrying out the duties of the Office of County Attorney, the County Attorney shall prepare and submit an annual budget to the Board of County Commissioners for appropriations necessary for the Office of County Attorney to carry out the full and faithful performance of its responsibilities. Employees of the Office of County Attorney shall be exempt from the County's civil service system and shall serve at the pleasure of the County Attorney.

(Adopted at General Election, 11-8-94)

ARTICLE III. ELECTED COUNTY CONSTITUTIONAL OFFICES

Section 3.1. Elected County Constitutional Offices.

The offices of Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court and Supervisor of Elections shall remain as elected constitutional offices and the powers, duties and functions shall not be altered by this Home Rule Charter. The Constitutional officers shall perform their executive and administrative functions as specified by law.

Section 3.2. Seminole County School Board Elections.

After January 1, 1995, school board members of Seminole County shall be elected in partisan elections. Political party affiliation shall be used by any candidate during the campaign and shall be shown on the ballot.

(Adopted at General Election, 11-8-94)

ARTICLE IV. HOME RULE CHARTER TRANSITION, AMENDMENTS, REVIEW, SEVERANCE, EFFECTIVE DATE

Section 4.1. Home Rule Charter Transition.

A. *General Provisions.* Unless expressly provided otherwise in this Home Rule Charter, the adoption of this Charter shall not affect any existing contracts or obligations of Seminole County; the validity of any of its laws, ordinances, regulations, and resolutions; or the term of office of any elected County officer, whose term shall continue as if this Charter had not been adopted.

B. *Initial County Commissioners.* The persons comprising the Seminole County Board of County Commissioners on the effective date of this Charter shall become the initial members of the Board of County Commissioners of the Charter Government and shall perform the functions thereof until the normal expiration of their terms or until the election and qualification of their successors as provided by law.

C. *Outstanding Bonds.* All outstanding bonds, revenue certificates, and other financial obligations of the County outstanding on the effective date of this Charter shall be obligations of the Charter Government. All actions taken by the former government relating to the issuance of such obligations are hereby ratified and confirmed. Payment of such obligations and the interest thereon shall be made solely from and charged solely against funds derived from the same sources from which such payment would have been made had this Charter not taken effect.

D. *Employees Continuation.* All employees of the former county government shall on the effective date on this Charter become employees of the County government created by this Charter. All existing wages, benefits, collective bargaining certifications and agreements, and conditions of employment shall continue, until modified by lawful action of the Board of County Commissioners or joint agreement of the Board and the appropriate bargaining agent when a collective bargaining agreement exists and controls.

Section 4.2. Home Rule Charter Amendments.

A. *Amendments Proposed by Petition.*

(1) Amendments to the Home Rule Charter may be proposed by petition signed by a number of electors residing in at least three-fifths of the County Commission election districts and of the County as a whole equal to seven and one-half percent of electors qualified to vote in the last preceding general election. Each such proposed amendment shall embrace but one subject and matter directly connected therewith. Each Charter amendment proposed by petition shall be placed on the ballot by resolution of the Board of County Commissioners for the general election occurring in excess of 90 days from the certification by the Supervisor of Elections that the requisite number of signatures has been verified.

(2) The sponsor of a petition amendment shall, prior to obtaining any signatures, submit the text of the proposed amendment to the Supervisor of Elections, with the form on which the signatures will be affixed, and shall obtain the approval of the Supervisor of Elections of such form. The style and requirements of such form shall be specified by ordinance. The beginning date of any petition drive shall commence upon the date of approval by the Supervisor of Elections of the form on which signatures will be affixed, and said drive shall terminate six months after that date. In the event sufficient signatures are not acquired during that six month period, the petition initiative shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition. The sponsor shall submit signed and dated forms to the

Supervisor of Elections and upon submission pay all fees as required by general law. The Supervisor of Elections shall within 60 days verify the signatures thereon.

(3) If approved by a majority of those electors voting on the amendment at the general election, the amendment shall become effective on the date specified in the amendment, or, if not so specified, on January 1 of the succeeding year.

B. Amendments and Revisions by Charter Review Commission.

(1) A Charter Review Commission consisting of 15 electors of the County shall be appointed by the Board of County Commissioners at least 12 months before the general election occurring in 1994 and at least 12 months before the general election every six years thereafter. Of the 15 members, at least one shall reside in each of the municipalities in the County and at least one shall reside in each County Commission district in the unincorporated area. The Charter Commission shall review the Home Rule Charter and propose any amendments or revisions which may be advisable for placement on the general election ballot. No member of the State Legislature, elected County or municipal officer, County Manager, County Department head, County Attorney or Manager, Attorney or Department head of any municipality shall be a member of the Charter Review Commission. Vacancies shall be filled within 30 days in the same manner as the original appointments.

(2) The Charter Review Commission shall meet for the purpose of organization within 30 days after the appointments have been made. The Charter Review Commission shall elect a chairman and vice chairman from among its membership. Further meetings of the Commission shall be held upon the call of the chairman or a majority of the members of the Commission. All meetings shall be open to the public. A majority of the members of the Charter Review Commission shall constitute a quorum. The Commission may adopt such other rules for its operations and proceedings as it deems desirable. Members of the Commission shall receive no compensation but shall be reimbursed for necessary expenses pursuant to law.

(3) Expenses of the Charter Review Commission shall be verified by a majority vote of the Commission and forwarded to the Board of County Commissioners for payment from the general fund of the County. The Charter Review Commission may employ a staff, consult and retain experts, and purchase, lease, or otherwise provide for such supplies, materials, equipment and facilities as it deems necessary and desirable.

(4) The Charter Review Commission shall hold at least three public hearings at intervals of not less than 10 days nor more than 20 days on any proposed Charter amendment or revision, and no Charter amendment or revision shall be submitted to the electorate for adoption unless favorably voted upon by a majority of the entire membership of the Charter Review Commission.

(5) No later than 90 days prior to the general election, the Charter Review Commission shall deliver to the Board of County Commissioners the proposed amendments or revisions, if any, to the Home Rule Charter, and the Board of County Commissioners shall by resolution place such amendments or revisions on the general election ballot. If a majority of the electors voting on the amendments or revisions favor adoption, such amendments or revisions shall become effective on January 1 of the succeeding year or such other time as the amendment or revision shall provide.

(6) If it does not submit any proposed Charter amendments or revisions to the Board of County Commissioners at least 90 days prior to the general election, the Charter Review Commission shall be automatically dissolved. Otherwise, upon acceptance or rejection of the proposed amendments or revisions by the electors, the Charter Review Commission shall be automatically dissolved. Upon dissolution of the Charter Review Commission, all property of the Charter Review Commission shall thereupon become the property of the County.

C. *Amendments Proposed by the Board of County Commissioners.*

(1) Amendments to this Home Rule Charter may be proposed by ordinance enacted by the Board of County Commissioners by an affirmative vote of a majority of the membership of the Board of County Commissioners. Each proposed amendment shall embrace but one subject and matter directly connected therewith. Each proposed amendment shall only become effective upon approval by a majority of the electors of Seminole County voting in a referendum at the next general election. The Board of County Commissioners shall give public notice of such referendum election as required by general law.

(2) If approved by a majority of those electors voting on the amendment at the general election, the amendment shall become effective on the date specified in the amendment, or, if not so specified, on January 1 of the succeeding year.

Section 4.3. Severance.

If any provision of this Charter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Charter which can be given effect without the invalid provision or application, and to this end the provisions of this Charter are declared severable.

Section 4.4. Home Rule Charter Effective Date.

This Charter shall become effective on January 1, 1989.

ARTICLE V. MISCELLANEOUS PROVISIONS*

***Note:** Article V, "Miscellaneous Provisions," was created by majority vote of the electorate at the General Election held on November 5, 1996.

Section 1.1. Casino Gambling.

A. *Reservation of Power by the Electorate.* The citizens of Seminole County reserve to themselves the power to approve or disapprove casino gambling of any nature within the boundaries of the County. Therefore, if and when casino gambling becomes lawful under the Constitution and laws of the State of Florida, no action may be taken by the Board of County Commissioners, by the governing body of any municipality, or by any elected or appointed officials or employees of either the County or any municipality the effect of which is to authorize, to approve, or in any manner to allow casino gambling to occur anywhere in the County unless and until casino gambling in the County is first authorized by an approving vote of a majority of the qualified electors residing in the County and voting on the question at a referendum separate and apart from any other referendum, statewide or otherwise, on the question.

(Adopted at General Election, 11-5-96)

B. *Definition.* The term "casino gambling" means "playing or engaging in any game of chance for money or any other thing of value, regardless of how such game is named, labeled or otherwise characterized, which game was unlawful under the Constitution or laws of the State of Florida as of July 1, 1996".

(Adopted at General Election, 11-5-96)

C. *Referendum.* At any primary, special or general election, the Board of County Commissioners may offer to the electorate, and upon a petition from the governing body

of a municipality in the County, the Board shall offer as soon as practical to the electorate, the question of whether casino gambling should be authorized in the County. Upon approval of the question at referendum, the County and any municipality may thereafter allow casino gambling, to the extent lawful under the Constitution and laws of the State of Florida, and, at the option of the Board, this section may then be deleted from this Charter. If the question is disapproved at referendum, it may be offered to the electorate again from time to time, but in no case more frequently than once in any period of 24 months.

(Adopted at General Election, 11-5-96)

D. *Enforcement.* The restrictions in this section may be enforced by the County, by any municipality in the County, or by any persons substantially affected by any violation thereof.

(Adopted at General Election, 11-5-96)

E. *Municipal Referenda Not Prohibited.* Nothing in this section prohibits any municipality in the County, whether by charter or municipal ordinance, from likewise requiring approval by its voters at referendum before casino gambling may be allowed within the boundaries of the municipality, but any such referendum requirement shall be in addition to, not in substitution of, the referendum approval required by this section.

(Adopted at General Election, 11-5-96)

Section 1.2. Rural Boundary and Rural Area.

a. There is hereby established an Rural Boundary as more delineated on that certain map titled "Rural Boundary Map" and dated August 10, 2004, and a "Rural Area" as described in that certain legal description titled "Legal Description for Rural Area" and dated August 10, 2004, both of which are on file in the official records of the Clerk of the Board of County Commissioners. "Rural Lands", for the purpose of this Section, are those contained within the area depicted in the above referenced legal description. After the effective date of this section the Future Land Use Element of the Seminole County Comprehensive Plan shall include a copy of the map and legal description.

b. The Board of County Commissioners may remove property from the "Rural Area" and amend the Rural Boundary accordingly, by ordinance whenever, in the opinion of the Board, such a change is necessary. Nothing herein shall authorize the County Commission to expand the "Rural Area" beyond the area contained in the above referenced legal description.

c. From and after the effective date of this section the future land use designations contained in the Seminole County Comprehensive Plan shall control the density and intensity of development on all Rural Lands, as that term is defined herein. The Board of County Commissioners must approve all changes to the future land use designations of all Rural Lands, regardless of whether some or all of the Rural Lands are located within a municipality.

d. The Board of County Commissioners may enact ordinances to implement this section. Municipal ordinances in conflict with this section or any implementing county ordinance are superseded to the extent of such conflict.

(Ord. No. 2004-36, § 3, Election of 11-2-04/eff. 9-10-04)